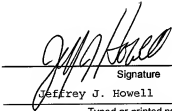


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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 112740-1062	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____		Application Number 10/527,770  First Named Inventor Werner Goertz  Art Unit 2617	Filed March 11, 2005  Examiner N.H. Ly
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number 46,402		 Signature Jeffrey J. Howell Typed or printed name 202-955-6832 Telephone number January 28, 2008 Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Werner Goertz  
Appl. No.: 10/527,770  
Conf. No.: 5187  
Filed: March 11, 2005

Title: METHOD AND TELECOMMUNICATIONS DEVICE FOR TRANSMITTING  
SERVICE MESSAGES TO A SERVICE CENTER AND RECEIVING  
SERVICE MESSAGES FROM A SERVICE CENTER  
Art Unit: 2617  
Examiner: Nghi H Ly  
Docket No.: 112740-1062

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF**

Sir:

In response to the Final Office Action dated September 26, 2007, please enter and consider the following remarks:

**REMARKS**

**I. THE REJECTION OF CLAIMS 19-36 UNDER 35 USC 102(a) AS ANTICIPATED BY GUSTAFSSON IS IMPROPER**

Claims 19, 20, 22-25, 27-29, 31-34 and 36 stand rejected under 35 U.S.C. §102(a) as being anticipated by Gustafsson (US Patent 6,424,841). Applicant respectfully disagrees and contends that independent claims 19 and 28 and their respective dependent claims are allowable over this cited art.

Specifically, the prior art fails to teach or suggest that the requesting of information content from the service provider by the telecommunications device and the delivery of the information content to the telecommunications device by the service center takes place via a single telecommunications call in two different sessions – a request session and a delivery session. For example, claim 19 recites, among other things, “initiating, by the

telecommunications device and as a result of acknowledgment by the service center, a second session via the telecommunications call set-up; sending, by the service center and in the second session, at least one second service message to the telecommunications device, receipt of which is acknowledged by the telecommunications device; and releasing, by the service center and as a result of acknowledgment by the telecommunications device, the second session so as to clear down the telecommunications call”.

Downloading information content stored at a service center has advantages, such as (i) CLIP function is no longer necessary for downloading information content; (ii) the call is released by the telecommunications device, whereby no costs are incurred by the service center, these being charged to the user of the telecommunications device alone; (iii) the service center no longer needs to set up a call, thereby reducing service center complexity and producing a cost benefit for the service center operator; (iv) the service center can be operated in a location-independent manner in relation to the telecommunications device, thereby enabling the service center to be located abroad, while the telecommunications device is operated in the home country; (v) a simple operating surface on the telecommunications device for downloading information content is possible, because the relevant user interface can be implemented independently from the other SMS user interface; (vi) from the service center operator's standpoint, the costs of downloading (requesting and delivering) can be charged via a directory number specifically provided for the purpose; and (vii) for downloading, any CLIR (Calling Line Identification Restriction) function present does not need to be activated.

In contrast, Gustaffson teaches a method that enables wireless client devices to more efficiently utilize available transmission bandwidth in a wireless network using narrowband channels (i.e., SMS), where return information (data) is incorporated in an acknowledgement message after an incoming message has been successfully received from a sender (see Abstract; col. 2, lines 55-61). Under Gustaffson, the receiving unit (e.g., server - see FIG. 1B) maintains a message queue of messages waiting for delivery to a wireless client device. When the receiving unit receives a message from an initiating unit using an SMS narrowband channel, the receiving unit checks the queue to see if deferred messages are awaiting delivery, and generates an acknowledgement message, containing at least part of the deferred message, back to the

initiating unit. The initiating unit then forwards the acknowledgment message to the wireless client device (see col. 3, lines 11-26; col. 7, lines 11-37).

Thus, at best, Gustaffson merely describes the feature of “sending, via the telecommunications device and in the first session, a first service message to the service center, receipt of which is acknowledged by the service center.” While the Office Action broadly cites col. 2, line 55 - col. 4, line 28 of Gustaffson, this disclosure merely discloses sending messages in the same session (i.e., the first session). Applicant cannot find anywhere in the disclosure of Gustaffson, where the telecommunications device *initiates a second session via the telecommunications call set-up as a result of acknowledgment by the service center.*

The Examiner seems to assert that setting up a telecommunications call to a service center for downloading information content corresponds to placing a phone call to another party having a phone via a wireless client device. This is simply incorrect. Placing a phone call is not the same (or even similar) to setting up a call in order to send a first service message in a first session from the telecommunications device to a service center and after the reception of an acknowledgement message, sending a second service message in a second session from the service center to the telecommunications device.

Furthermore, Gustaffson fails to teach or suggest sending and receiving messages in one session (see, e.g., col. 6, lines 57-59: “[t]he client module 36 making a request does not wait to receive the resource; instead, the resource is acquired independent of further operation of the client module 36.”).

For at least these reasons, Applicant submits the rejection of claims 19 and 28 and their respective dependent claims over the cited prior art is improper and should be withdrawn.

## **II. THE REJECTION OF CLAIMS 21 AND 30 UNDER 35 USC 103(A) AS BEING UNPATENTABLE OVER GUSTAFSSON (US PATENT 6,424,841) IN VIEW OF CAIN ET AL. (US PUB 2006/0034281) IS IMPROPER**

Claims 21 and 30 are allowable for similar reasons to those discussed above, since Cain does not overcome the deficiencies of Gustaffson.

**III. THE REJECTION OF CLAIMS 26 AND 35 UNDER 35 USC 103(A) AS  
BEING UNPATENTABLE OVER GUSTAFSSON (US PATENT 6,424,841)  
IN VIEW OF LYENGAR ET AL. (US PATENT 6,546,241) IS IMPROPER**

Claims 26 and 35 are allowable for similar reasons to those discussed above, since Lyengar does not overcome the deficiencies of Gustaffson.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. The Examiner is kindly requested to reference Attorney Docket No. 112740-1062 when responding to this communication.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY

  
Jeffrey J. Howell

Reg. No. 46,402

Customer No. 29177

Dated: January 28, 2007